

John Markham

From: Alfred Falzone <afalzone@eatonpeabody.com>
Sent: Tuesday, March 19, 2024 4:35 PM
To: John Markham
Cc: Bridget Zerner; Elisa McPhee; Seth Brewster
Subject: RE: Request to meet and confer

 **Caution:** External (afalzone@eatonpeabody.com)



Misleading Link

Hi John,

Good to hear from you. I am happy to chat Monday, but I am in hearings for the rest of this week.

As you know, our general order of operations is as follows: we are gathering all the Indiana art in one place (more specifically we are moving the Rosenbaum art up to Brooklyn). Once it's all centralized, we will conduct the inventory of the art, that way we know the scope of the appraisal project when we start presenting it to the appraisers listed in the Order.

I can also provide a more specific update, as my understanding is that the estimated date of completion for the inventory process, barring any snafus, is May 1.

Please let me know what times you are available to speak on Monday.

Best,
Alfred

Alfred J. Falzone III
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From: John Markham <jmarkham@markhamreadzerner.com>
Sent: Tuesday, March 19, 2024 3:46 PM
To: Alfred Falzone <AFalzone@eatonpeabody.com>
Cc: Mike McKenzie (mm2uwords@aol.com) <mm2uwords@aol.com>
Subject: Request to meet and confer

Dear Mr. Falzone,

Please let this serve as a meet and confer request.

I can speak about this on Friday or next Monday. The implementation of the Arbitrators Order is taking too long, given that the award was issued on July 14, 2023, now eight months ago. The Arbitrators had directed you to have all artworks to Uovo by August 12, 2023 which failed to happen by many months. Nor when Uovo finally arrived its employees refused to open the boxes so that so both parties could reconcile the inventory of the artwork taken. To offset this problem you stated you would arrange to open boxes in conjunction with representatives of American Image at Uovo just after it arrived now months ago. Despite our calls to you we have never heard back from you with Uovo contacts and five months now passed with no inventory nor any hint of when an appraisal will be commenced, much less completed. We have also heard nothing about your appraiser selection, nor what the basis for an appraisal is, another activity which couldn't take more than a few days. You have delayed a job that should take in total no more than six weeks, including appraisal and dividing the work, costing all parties to lose income while further soiling the Indiana brand with questionable delays creating more unnecessary legal work, the exact reason the estate's previous firm was clawed back \$2,200,000 and recused by the Attorney General.

Unless you and we can agree on specific dates for all the following we plan to seek relief from the court so please consider this a demand to meet and/or confer by Friday March 23 to lay out a schedule to (1) open Uovo to American Image representatives so that we can actually see what they took from McKenzie, (2) make a mutual account to reconcile the inventory (3) set a final date for all appraisal completion and an understanding of the appraisal method; and (4) a final date to begin dividing the property as directed by The Arbitrators.

Yours,

John Markham

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